

THIRTY-THIRD DAY

(Monday, March 5, 1945)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 1, 1945, was dispensed with and the Journal was approved.

Leaves of Absence Granted.

Senators Chadick and Kelley were granted leaves of absence for today on account of important business on motion of Senator Aikin.

Senator Stone was granted leave of absence for today on account of illness on motion of Senator Winfield.

Senator Shivers was granted leave of absence for today on account of important business on motion of Senator Weinert.

Reports of Standing Committees

Senator Winfield submitted the following reports:

Austin, Texas,
March 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Banking, to whom was referred

S. B. No. 9, A bill to be entitled "An Act to amend Article 5, Chapter II, of the Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, so as to provide for

a building and Loan Supervisor and Building and Loan Examiners, their method of appointment; and other employees required to examine corporations under the supervision of the Banking Department, and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Banking, to whom was referred

S. B. No. 10, A bill to be entitled "An Act to amend Article 4, Chapter II, of the Texas Banking Code of 48th Legislature, so as to provide for the appointment of Bank Examiners and Assistant Examiners and specifying their qualifications, and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Banking, to whom was referred

S. B. No. 12, A bill to be entitled "An Act to amend Article 3, Chapter II, of the Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, so as to provide for a Departmental Examiner, his method of appointment and his qualifications, and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Banking to whom was referred

S. B. No. 13, A bill to be entitled "An Act to amend Article 7, Chapter V, sub-section 6, of the Texas Banking Code of 1943, as adopted by the

Acts of 1943, 48th Legislature, so as to describe eligible investments and to prescribe the limit of liability of any one borrower when the collateral constitutes direct obligations of the State of Texas, the United States or any instrumentality of the United States of America, and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Banking, to whom was referred

S. B. No. 15, A bill to be entitled "An Act to amend Article 2, Chapter II, of the Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, so as to provide for the appointment of a Deputy Commissioner; etc. and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Banking, to whom was referred

S. B. No. 16, A bill to be entitled "An Act to amend Article 1, Chapter II, of the Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, so as to provide for the appointment of the Banking Commissioner etc., and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Banking, to whom was referred

S. B. No. 51, A bill to be entitled "An Act to amend Article 1, Chapter VI of the Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, p. 152, Ch. 97, so as to require each state bank to maintain an account to be known as certified surplus; prescribing conditions under which the certified surplus account may be reduced, and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Austin, Texas,
March 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, the Committee on Banking, to whom was referred

S. B. No. 180, A bill to be entitled "An Act providing for the recording of assignments of accounts receivable and of releases thereof; providing fees to county clerks in connection with such filing; providing that the record of assignment of accounts receivable shall constitute constructive notice of such assignments; providing for the protection of the rights of debtors owing assigned accounts; providing for the protection of assignees named in recorded accounts; providing for the promotion of trade by facilitation the assignment of accounts receivable and for the elimination of fraud in connection with secret assignments; providing for the definition of terms used; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Spears:

S. B. No. 205, A bill to be entitled "An Act authorizing municipalities to organize and create a Planning Commission and providing such Planning Commission with the function

and duty of making and adopting a master city plan; providing for a legal status to be given such master city plan; providing for extraterritorial planning and platting jurisdiction and making it unlawful and providing a criminal penalty for recording plats within such platting jurisdiction without the approval of the Planning Commission or City Council; providing that such planning commissions shall adopt rules and regulations governing the subdivision of land within its planning and platting jurisdiction; making the transfer of any plat or lot by reference to any unapproved plat or by metes and bounds void and subject to civil penalty; providing for a method of vacation of any plat or plan; authorizing and providing for the establishment and amendment of official maps and authorizing the Planning Commission to keep streets shown on such official map free from buildings; providing for the approval of plats by the City Planning Commission, where the property is within its jurisdiction, instead of by the Commissioners' Court as provided in Article 6626, Revised Civil Statutes, 1925, as amended by the Acts of the 42nd Legislature, Chapter 217, page 371, providing that insofar as the provisions of this Act are inconsistent with the provisions of any other Act, this Act shall control; Declaring this Act cumulative; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator Spears:

S. B. No. 206, A bill to be entitled "An Act to amend Article 6626 of the Revised Statutes of Texas, 1925, as amended by Chapter 217, Acts of the Regular Session of the Forty-second Legislature in 1931, relative to the filing and recording of instruments of writing, maps and plats, so as to provide the prerequisites for filing, recording and approving maps and plats subdividing or resubdividing real estate; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator Moore:

S. B. No. 207, A bill to be entitled "An Act providing a method where-

by the Board of Trustees, as the case may be, of any independent school district created under the general laws of this State or by special Act of the Legislature in which there may be situated a city having a population of 380,000 or more according to the last preceding federal census or any subsequent federal census, may divest themselves of the management, control and operation of junior colleges and universities maintained by such independent school districts and operated in connection therewith and vest the same in a separate Board, to be known as the Board of Regents of any such junior college and/or universities; prescribing methods for the appointment of members of such Board of Regents and their qualifications and tenure of office and for the filling of vacancies on any such Board of Regents; providing that the Board of Education or Board of Trustees shall select, adopt, and specify which of such methods of selecting future Regents shall be used; providing in such case for the transfer of all moneys belonging to any such junior college and/or university as well as all personal property and all lands and buildings used exclusively by any such junior college and/or university to such Board of Regents and vesting the management and control thereof in such Board of Regents defining certain powers and duties of the Board of Regents; giving such Boards of Regents the power to employ and remove Presidents, Deans, administrative officers, faculties and other employees of such junior colleges and/or universities and to fix their compensation, and to fix and collect all fees for matriculation, laboratories, libraries, gymnasium and tuition and all such other fees and charges as to any such Board of Regents may seem fit and proper in the maintenance and operation of any such junior colleges and/or universities, and requiring any such Board of Regents to select depository banks as places of deposit of all funds collected and received by any such junior colleges and/or universities, and requiring adequate surety bonds or securities to secure such deposits; conferring on any such Board of Regents the power of eminent domain; giving any such Board of Regents in the name of such re-

spective junior colleges and/or universities the right to contract, be contracted with, sue and be sued, plead or be impleaded, or intervene in any court of competent jurisdiction, and to receive gifts, grants, conveyances, donations, legacies and devises for the use of any such junior colleges and/or universities, and the right and power to borrow money for the maintenance of any such junior colleges and/or universities upon the terms and limitations prescribed in such Act; exempting such Boards of Regents from the levy of executions and exempting the properties and assets, belonging to any such junior colleges and/or universities from execution and sale and from liens, and further exempting such Board of Regents of any such junior colleges and/or universities from liability for damages of any kind to property or persons injured or killed in or near any property or premises controlled by any such Board of Regents; giving such Boards of Regents the power to borrow money for the maintenance and/or for the purpose of building and equipping self-liquidating projects such as dormitories or other necessary buildings of any such junior colleges and/or universities in the manner and on terms prescribed in said Act; exempting any such Board of Regents from the necessity to answer any writ of garnishment or to give any bond for security for costs or any other security in any suit or action brought by or against any such Board of Regents and vesting in them the right to appeal to all courts without bond or security of any kind; prescribing the liabilities of any such Board of Regents of any such junior colleges and/or universities, prescribing that no builder's, materialman's, or mechanic's lien of any kind or character shall ever attach to or become a lien on any properties belonging to any such junior colleges and/or universities; providing for regular meetings of any such Board of Regents and designating the officers of any such Board of Regents and their method of selection, and further providing for regular records of such meetings to be kept with all books, vouchers, records and papers which shall be subject to the right of examination and the right to take copies by every citizen during office

hours, and further providing for the requisite number for a quorum at any meeting of such Board of Regents and giving to such Boards of Regents the power to adopt and publish such rules for the conduct of their business as they may deem proper, including the conditions upon which pupils shall be admitted into such junior colleges and/or universities; providing for a suitable seal indicative of its official authority to be used by such Board of Regents, designating the officers of any such Board of Regents who are authorized to draw checks, warrants and drafts against any and all funds of any junior colleges and/or universities, and in general defining the powers, rights and duties of the members of any such Board of Regents; and also repealing all special and general laws in conflict with the provisions of this Act to the extent of such conflict, providing a savings clause; and declaring an emergency." To Committee on Education.

By Senator Sulak:

S. B. No. 208, a bill to be entitled "An Act amending Chapter 116 and House Bill 189 passed by the 44th Legislature in Regular Session, and Chapter 469 House Bill 127 passed by the 44th Legislature Second Called Session to provide requirements for students and demonstrators; providing qualifications for Board Members; providing for employment of secretary; provide time and place of examinations; providing requirements for examinations; provide qualifications of Beauty Culture Schools; providing requirements for licensing of Beauty Culture Schools; providing for eligibility requirements for instructors' examinations; providing qualifications of students; providing for regulations of schools; providing requirements for licensing demonstrators; providing for reinstatement; providing for setting of fees; providing for penalties for the violation thereof; providing for repealing certain sections; providing a savings clause; and declaring an emergency."

To Committee on Public Health.

By Senator Mauritz:

S. B. No. 209, A bill to be entitled "An Act to amend Article 3344 of the Revised Civil Statutes of Texas, 1925, by adding a new section thereto so as to provide for proving a written

will produced in court when the witnesses thereto are non-residents of the State of Texas, or their residence is unknown, or if the witnesses are in the military service of the United States, or were in such military service at the time of signing as witnesses to such will and their residence is unknown; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Sentors Graves, Winfield, Stone, and Mauritz:

S. B. No. 210, A bill to be entitled "An Act to amend Article 5921, Title 96, of the Revised Civil Statutes of Texas of 1925, relating to removal of disabilities of minors so as to provide that minors above the age of eighteen years of age can have their disabilities of minority removed; and declaring an emergency."

To Committee on Banking.

By Senators Graves, Winfield, and Mauritz:

S. B. No. 211, A bill to be entitled "An Act to amend Article 4, Chapter V, Subsections 1 and 2 of the Texas Banking Code of 1943, as adopted by the Acts of 1943, 48th Legislature, to prescribe the terms under which State Banks can make loans upon the security of real estate; and declaring an emergency."

To Committee on Banking.

By Senator Graves:

S. B. No. 212, A bill to be entitled "An Act to amend Article 1188 of the Revised Civil Statutes of the State of Texas of 1925 by adding thereto an additional section to be known as Article 1188-(a), providing that upon compliance with the provisions in said chapter a municipal corporation of less than 5,000 population may be consolidated under one government with an adjoining and contiguous city having a population of more than 5,000 according to the preceding Federal census, when both of said municipalities are situated in the same county with a population of more than 390,000 inhabitants according to the preceding Federal census; providing that said act shall be retroactive to the extent that all acts done in compliance with Chapter 15 of Title 28 of the Revised Civil Statutes of 1925 shall have the same legal effect as if a law had then existed;

prior elections to be deemed legal and valid elections when in compliance with law; providing a savings clause; and declaring an emergency."

To Committee on Towns and City Corporations.

Report of Standing Committee

Senator Bullock, by unanimous consent, submitted the following report:

Austin, Texas,
March 1, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred

S. B. No. 207, A bill to be entitled "An Act providing a method whereby the Board of Education or the Board of Trustees, as the case may be, of any independent school district created under the general laws of this State or by Special Act of the Legislature in which there may be situated a city having a population of 380,500 or more according to the last preceding federal census or any subsequent federal census, may divest themselves of the management, control and operation of junior colleges and universities maintained by such independent school districts and operated in connection therewith and vest the same in a separate Board to be known as the Board of Regents of any such junior colleges and/or universities, etc. . . . ; and declaring an emergency."

Have considered the same, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Senate Bill 207 on Second Reading

Senator Moore moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 207 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Brown	Lanning
Bullock	Martin
Carney	Mauritz
Crawford	Metcalf
Graves	Moffett
Hazlewood	Moore
Jones	Morris
Knight	Parrish

Ramsey	Vick
Spears	Weinert
Stanford	Winfield
Sulak	York
Taylor	

Absent—Excused

Chadick	Shivers
Kelley	Stone

Senator Moore then moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 207 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Chadick	Shivers
Kelley	Stone

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 207, A bill to be entitled "An Act providing a method whereby the Board of Education or the Board of Trustees, as the case may be, of any independent school district created under the general laws of this State or by special Act of the Legislature in which there may be situated a city having a population of 380,000 or more according to the last preceding federal census or any subsequent federal census, may divest themselves of the management, control and operation of junior colleges and universities maintained by such independent school districts and operated in connection therewith and vest the same in a separate Board to be known as the Board of Regents of any such junior colleges and/or universities, etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 207 on Third Reading

The President then laid S. B. No. 207 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Chadick	Shivers
Kelley	Stone

Senate Concurrent Resolution 19

Senator Mauritz offered the following resolution:

S. C. R. No. 19, Authorizing the awarding of service ribbons to members of certain volunteer organizations.

Whereas, at various places in Texas during the year 1940, and until the Texas Defense Guard was formed, patriotic men foreseeing the trend of the present European war and the eventual involvement of the United States, and realizing the total unpreparedness of the country for national defense, organized and associated themselves into volunteer military companies, having in view the objects of directing the attention of the entire nation to the need for military preparedness, and the putting of Texas in a state of defense, and the giving of preliminary basic training to prospective members of the armed forces of the country; and

Whereas, said volunteer companies clothed and equipped themselves at their own expense and gave their time to receive military instruction and discipline and held themselves in readiness to assist the Texas National Guard in protecting vital installa-

tions and preserving domestic tranquility, all without expectation of compensation or reimbursement; and

Whereas, after the calling of the Texas National Guard into the service of the United States, the aforesaid volunteer military companies constituted the only organized military internal security forces in the State; and

Whereas, many of said volunteer soldiers later entered the armed forces of the United States and/or became members of the Texas Defense Guard and/or Texas State Guard; and

Whereas, the first and largest of said volunteer organizations was the Royal Irish Regiment of Refugio County, organized in Refugio County, which mustered over 900 officers and men; and

Whereas, it is deemed appropriate that the patriotic, unselfish and far-sighted services of said volunteers should be suitably recognized and commemorated; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, that

Section 1. A service ribbon be authorized to be issued and worn by all men who were active and faithful members of any unofficial voluntary military unit which was organized in Texas and held regular drills and military assemblies during the year 1940, up to and including the date the Texas Defense Guard was organized by order of the Governor; and such ribbon is authorized to be worn on the uniform of those entitled thereto who are or may become members of the Texas State Guard.

Section 2. The Adjutant General of Texas is authorized to study the service ribbons and decorations of other states and of the federal government and to design a ribbon that will not be in conflict with any other ribbon in use in any military force.

Section 3. All units, the members of which are authorized to receive and wear such ribbon, may transmit to the Adjutant General of Texas rosters of their respective organizations, giving the name, rank, and period of active and faithful service of members entitled to receive the service ribbon, which roster shall be certified to by competent persons, and shall be supported by newspaper clippings and such other proof of or-

ganization and service which may be required by the Adjutant General; and such rosters with supporting evidence shall form part of the historical archives of this State. Upon approval of the rosters, in whole or in part, by the Adjutant General, he shall, upon the request of such men whose service has been established, issue certificate of eligibility to obtain and wear such service ribbon. The Adjutant General may make any proper regulation relating to said service ribbons not inconsistent with this resolution.

Section 4. Nothing herein contained shall impose upon the State of Texas any expense or financial liability in connection with the procurement or issuance of such service ribbons; but the entire cost of procurement thereof shall be borne by the individual recipients.

The resolution was read.

By unanimous consent, the resolution was considered immediately.

The resolution was adopted.

Senate Resolution 37

(Block Picture of Senate)

Senator Stanford offered the following resolution:

Be it resolved by the Senate of Texas, That a Committee of three Senators be appointed to arrange for having photographs made of the Governor, Lieutenant Governor, and Senators and Secretary of the Senate of the Forty-ninth Legislature and hung in the Senate Chamber; be it further

Resolved, That the cost of the same be paid if necessary out of the Contingent Expense Fund of the Forty-ninth Legislature.

The resolution was read and was adopted.

Senate Resolution 38

Senator Stanford offered the following resolution:

Whereas, The American Legion, Department of Texas, sponsors each year a series of oratorical contests among students of the high schools of the State; and

Whereas, the final 1945 contest will be held in Austin on March 23, 1945; therefore, be it

Resolved by the Senate that the use of the Senate Chamber be granted to

the American Legion for the holding of the contest on the evening of Friday, March 23, 1945.

The resolution was read and was adopted.

Senate Concurrent Resolution 20

Senator Mauritz offered the following resolution:

S. C. R. No. 20, Relating to military installations at Indianola Anti-aircraft Gunnery Range in Calhoun County.

Whereas, There is located in Calhoun County, State of Texas, at the historic old townsite of Indianola, a branch of Camp Hulén, which was used until recently as a firing range for the Anti-Aircraft Artillery stationed at Camp Hulén, known as the Indianola Anti-Aircraft Gunnery Range and which has now been abandoned for all military purposes by the United States Army; and

Whereas, There are installed on this Indianola Anti-Aircraft Gunnery Range a water supply, a sewerage facilities, and approximately three hundred small hutments of temporary construction. Most of these hutments and out-buildings are placed on concrete slabs which in no instance could be disposed of for any gain. It further appears that any attempt to move the hutments and other buildings would be unprofitable because they are of tar paper and building paper construction; they cannot be taken apart in sections and moved; and there would be no demand for buildings of this type, as the lumber, being of small dimensions, could not be used for other purposes; and

Whereas, The location of this camp along the Beach of Matagorda Bay is one of the most beautiful along the entire Texas Gulf Coast; that the place has historic value in that it is considered the original landing place of the explorer, LaSalle; that it is recognized as one of the best swimming and fishing areas along the Texas Gulf Coast; and that there is a Federal Aid Highway leading from State Highway 35 directly to the entrance of this camp already completed with hard surface; and

Whereas, For all of the above reasons this Range is ideally situated for a rest and recreation camp for the use of the residents of Texas within a 300-mile radius of Indian-

ola and as a place for the annual encampments of many organizations, such as Boy Scouts, Girl Scouts, 4-H Clubs, Camp Fire Girls, and Home Demonstrations Clubs, and used for such purposes this camp would be of inestimable value to Calhoun County; and

Whereas, Title to the land on which is located the military installations of the Indianola Anti-Aircraft Gunnery Range is vested in the County of Calhoun; and

Whereas, Should the Congress of the United States authorize the transfer of the installations on the Indianola Anti-Aircraft Gunnery Range to the County of Calhoun, State of Texas, the property could be used for the above mentioned recreational and civic purposes with the expenditure of small expense for reconversion; therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Representatives in Congress from the State of Texas and the United States Senators from Texas be respectfully requested to submit a bill to Congress providing that the military installations now located on the Indianola Anti-Aircraft Gunnery Range be transferred to the County of Calhoun, State of Texas, for the purposes above stated; and be it further

Resolved that a copy of this Resolution be mailed to each such Texas Representative in Congress and the United States Senators from Texas with the request that the Texas delegation meet at the earliest time possible and take proper steps to secure the passage through Congress of said bill transferring said military installations to the County of Calhoun.

The resolution was read; and by unanimous consent it was considered immediately and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 5, 1945.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 68. "An Act to appropriate Twelve Hundred Twenty-eight

Dollars and Ninety Cents (\$1228.90) out of any money in the State Treasury, not otherwise appropriated, to pay the Railway Express Agency, and declaring an emergency."

H. B. No. 23, A bill to be entitled "An Act requiring every group of individuals, society, association, or corporation transacting the business of life insurance, accident insurance, life and accident insurance, or health and accident insurance for profit, or for mutual benefit, or protection in this State on or before the 1st day of March of each year to file its annual statement with the Board of Insurance Commissioners showing the gross amount of premiums collected during the year ending December 31, preceding, from persons residing or domiciled in this State upon policies of insurance; levying taxes upon the gross premium receipts as reflected by such reports; providing that the taxes so levied shall constitute all the taxes and license fees collectible, except certain enumerated fees, and prohibiting the levying and collecting of any taxes against any such insurance organization other than ad valorem taxes by any county, city, or town; providing for the continuing obligation of such insurance organization for the payment of all taxes that shall have accrued on business written during 1944 or prior years; providing that no such insurance organization shall receive a permit to do business in Texas until all premium taxes due by it to the State of Texas are paid; repealing Article 4769, as amended, except for the continuing obligation for the payment of all taxes that have accrued under said Article; providing this Act shall be cumulative of all other laws, and shall repeal other laws only in so far as it conflicts with them; providing that the invalidity of any section of this Act shall not affect the validity of any other section of the Act; and declaring an emergency."

H. B. No. 27, A bill to be entitled "An Act providing that no officer, trustee, or director of any insurer shall be subject to personal liability for the payment or determination not to contest payment of any fee or tax unless prior to such payment the statute or ordinance levying such fee or tax was finally held invalid

by the State Court having final appellate jurisdiction in the premises, or by the Supreme Court of the United States; providing that this Act shall not limit, minimize, or interpret the rights and powers of insurers, and their officers, trustees, and directors heretofore existing; and declaring an emergency."

H. B. No. 54, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of 1925, as amended, and declaring an emergency."

H. B. No. 159, A bill to be entitled "An Act amending Section 2 of Chapter 112 of the Acts of the Forty-second Legislature, 1931, so as to except from the provisions for compulsory payment of the cost of support, maintenance and treatment of the persons legally liable for the support of children received and kept in the Texas School for the Deaf; and declaring an emergency."

H. B. No. 302, A bill to be entitled "An Act amending Article 1191, Revised Civil Statutes of Texas, 1925, by adding thereto a section to be known as Article 1191-(a), providing that in the consolidation of an incorporated city containing more than 290,000 inhabitants with any other city or town, regardless of the number of inhabitants, that a consolidation for municipal purposes does not include a consolidation of school districts, and when the ballot in any one city or town submitting the question of consolidation contains a statement expecting or excluding the consolidation of any particular designated school district or common school district, such designated school shall continue its separate existence without interruption; repealing charter provisions and laws in conflict; and declaring an emergency."

H. B. No. 355, A bill to be entitled "An Act declaring the policy of the State of Texas with reference to regulations permitting the taking of game and fish in that portion of the State inundated by a dam across Red River at Denison, Texas, and the federally owned lands in connection therewith, under the provisions of Chapter 213, House Bill No. 654, Regular Session, Forty-eighth (48th) Legislature, which is continued in

effect; providing for certain licenses for the privilege of hunting or fishing in or over Lake Texoma and its connecting federally owned lands and fixing the fees for same; providing a suitable penalty for violation of any provision of this act; providing for disposition of funds collected from the sale of such licenses; prescribing purposes for which, said funds may be used; repealing conflicting laws; providing a rule of construction; and declaring an emergency."

Respectfully Submitted,
CLARENCE E. JONES,
Chief Clerk, House of Representatives

Address by Hon. Wick Fowler

Senator Moffett moved that Hon. Wick Fowler, war correspondent for the Dallas News, recently returned from the European battlefronts, be invited to address the Senate.

The motion prevailed.

Accordingly, the President appointed Senators Graves, Spears and Taylor to escort Mr. Fowler to the President's desk.

The committee performed the duty assigned it.

The President then presented Mr. Fowler, who addressed the Senate briefly.

Senate Bill No. 197 on Passage to Engrossment

(Special Order)

The President laid before the Senate, as a special order for this hour, on its passage to engrossment (the bill having been read second time on Thursday, March 1, 1945):

S. B. No. 197, A bill to be entitled "An Act declaring that the war with Germany and Japan, commonly known as World War II is within the provisions of Section 10, Article 8, of the Constitution of this State, a great public calamity in all countries, cities and towns of this State and declaring that because of said calamity and by reason of the inadequate provisions of the laws of this State the soldiers, sailors, marines, members of the air corps, coast guard, nurses in the military service of the United States and all women in the military services of the United States in the different auxiliaries thereof, and all of those who have been honorably discharged therefrom, of this State, were pre-

vented from paying their poll taxes, under the provisions of Section 2, Article 6, of the Constitution, and the Statutes of Texas, and that by reason of these facts and by reason of the fact that Section 9, Article 16, of the Constitution of this State, declares that absence on business of the United States shall not forfeit the residence once obtained so as to deprive anyone of the right of suffrage; etc. and declaring an emergency."

Senator Spears offered the following amendment to the bill:

Amend Senate Bill 197, Section 9, by striking out all of line 14, beginning with the word "all" and ending on line 17 with the words "War II" and substituting in lieu thereof the following:

Any person serving in the Land or Naval Forces of the United States, including the United States Merchant Marine, the United States Maritime Service, the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, the Women's Army Corps, also including those serving in the American Red Cross, the Society of Friends, the Women's Auxiliary Service, Pilots or United Service organizations and attached to and serving with the armed forces of the United States.

The amendment was adopted.

Senator Vick offered the following amendment to the bill:

Amend S. B. No. 197, page 3, by adding at the end of Section 3 the following:

All veterans of any war, in which the United States has participated, who have been classified by the proper Federal agency, as totally and permanently disabled, and who possess certificate from such Federal agency to that effect, are hereby relieved permanently from the payment of a poll tax as a prerequisite to voting in any election in this State.

VICK
METCALFE
MOFFETT

The amendment was adopted.

On motion of Senator Martin and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

S. B. No. 197 was then passed to engrossment.

Senate Bill 197 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 197 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Chadick	Shivers
Kelley	Stone

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

Absent—Excused

Chadick	Shivers
Kelley	Stone

Senate Bill 89 Set as Special Order

Senator Metcalfe moved that Sec. 5 of Article III of the Constitution be suspended to permit consideration by the Senate during the first 60 days of the regular session of the following bill:

S. B. No. 89, A bill to be entitled

“An Act amending Section 6 of Chapter 125, Acts of the Regular Session of the 45th Legislature so as to authorize and require issuance of certificate of service to any fireman who has completed twenty years service, notwithstanding he may not have reached the age of fifty-five years; and declaring an emergency.”

(President pro tempore in the Chair)

The motion prevailed by the following vote.

Yeas—26

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Martin	Weinert
Mauritz	Winfield
Metcalf	York

Nays—1

Lanning

Absent—Excused

Chadick	Shivers
Kelley	Stone

On motion of Senator Metcalfe, and by unanimous consent, S. B. No. 89 was set as a special order for tomorrow, immediately after the morning call of that day.

Senate Bill 76 Tabled

On motion of Senator Graves, and by unanimous consent, S. B. No. 76 was tabled.

Senate Bill 39 on Second Reading

Senator Morris moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 39 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Crawford
Brown	Graves
Bullock	Hazlewood
Carney	Jones

Knight	Ramsey
Lane	Spears
Lanning	Stanford
Martin	Sulak
Mauritz	Taylor
Metcalfe	Vick
Moffett	Weinert
Moore	Winfield
Morris	York
Parrish	

Absent—Excused

Chadick	Shivers
Kelley	Stone

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 39, A bill to be entitled "An Act to amend Title 32, Chapter 2, Acts of the 40th Legislature of 1927, Chapter 275, page 414, known as Article 1303b, Revised Civil Statutes of 1925, as amended, to authorize the creation of private corporations for all the purposes set forth in said Article 1303b, and, in addition to authorize the creation of private corporations for the purpose of acting as Trustee under any lawful express trust which has been or may be committed to it by contract or will; and declaring an emergency."

The bill was read second time.

Senator Morris offered the following amendment to the bill:

Amend Senate Bill Number 39 by striking out the following words which appear in lines 23 and 24 of the printed bill: "or under appointment of any court having jurisdiction of the subject matter."

The amendment was adopted.

S. B. No. 39 was then passed to engrossment.

Senate Bill 39 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 39 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Jones
Brown	Knight
Bullock	Lane
Carney	Lanning
Crawford	Martin
Graves	Mauritz
Hazlewood	Metcalfe

Moffett	Sulak
Moore	Taylor
Morris	Vick
Parrish	Weinert
Ramsey	Winfield
Spears	York
Stanford	

Absent—Excused

Chadick	Shivers
Kelley	Stone

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Chadick	Shivers
Kelley	Stone

Advanced Printing of Senate Joint Resolution 12

On motion of Senator Mauritz, and by unanimous consent, S. J. R. No. 12 was ordered printed in advance of its consideration in committee.

Bills and Resolutions Signed

The President signed in the presence of the Senate after giving due notice thereof, the following bills and resolutions:

S. B. No. 7, A bill to be entitled "An Act amending S. B. No. 111, Chapter 61, Page 100 of the General Laws passed by the Second Called Session of the Forty-first Legislature, by adding to Section 38 thereof, a new section to be known as Sec. 38-a, providing that building and loan associations organized under the laws of this state may make loans pursuant to the provisions of Sections 500, 501, 504 and 505 of Chapter V Title III of the Act of Congress, entitled "Servicemen's Readjustment Act of 1944."

H. B. No. 158, A bill to be entitled "An Act authorizing commissioners' courts to allocate between schools and roads certain funds received and to be received from the Federal Government derived from the sale of timber and all other income on forest preserves; and declaring an emergency."

H. B. No. 13, A bill to be entitled "An Act to appropriate funds to the Agricultural and Mechanical College of Texas in the sum of Thirteen Thousand Two Hundred and Fifty-five Dollars (\$13,255.00) as an emergency appropriation to be expended before February 1, 1945, to enable said institution to further study a plant disease known as "cotton wilt" or verticillium wilt, which is becoming prevalent in some sections of the State, and is preventing the normal production to an alarming extent, in addition to its injury to the fiber and staple of cotton, and it is likely to spread over a vast area of the cotton producing area of the State. Said appropriation is to be used by the Agricultural and Mechanical College of Texas at its Sub-Station Number 17 at Ysleta, Texas, for the purpose of carrying further experiments already begun in breeding various resistant strains of cotton, and to discover means of eradicating such disease."

H. C. R. No. 32, Authorizing the House and Senate to adjourn from Thursday, March 1, until Monday, March 5, 1945.

House Bills on First Reading

The following House bills, received from the House to day, were laid before the Senate, read first time, and referred to committees indicated:

H. B. No. 27, to Committee on Civil Jurisprudence.

H. B. No. 302, to Committee on Towns and City Corporations.

H. B. No. 159, to Committee on Education.

H. B. No. 355, to Committee on Game and Fish.

H. B. No. 54, to Committee on Insurance.

H. B. No. 23, to Committee on Insurance.

House Concurrent Resolution on First Reading

The following resolution, received

from the House to day, was laid before the Senate, read first time, and referred to the committee indicated:

H. C. R. No. 31, to Committee on State Affairs.

Senate Resolution 39

(Filming of "Duel in the Sun")

Senator Hazlewood offered the following resolution:

Whereas, The famous novel "Duel in the Sun," by Nevin Bush, was given a setting in the beautiful Texas Panhandle, and portrays a story of the sturdy pioneers of that area; and

Whereas, the great motion picture producer, David O. Selznick, has planned to produce a motion picture version of this fine novel, which, when released, will be shown all over the world, and will leave a permanent impression with millions of people who will naturally conclude that the scenes shown therein are true to Texas and were filmed in the Texas Panhandle; and

Whereas, The history of the Texas Panhandle is an area replete with stories of the courage and valor of brave and dauntless characters of pioneer life which has since been transformed into an area containing the world's greatest gas field, the production of more than half the world's output of carbon black, extended oil fields, rubber plants, and one of the richest farming areas in the United States, having one county, Ochiltree County, that produced more wheat than any other single county in America the past year; and

Whereas, Said section of Texas, because of all of its natural attractions to people everywhere may normally expect a great influx of people to settle in said area after the war; and

Whereas, The said David O. Selznick, producer of said picture, instead of choosing the Panhandle of Texas, has selected the State of Arizona as the site for the production and filming of said motion picture, and

Whereas, The State of Arizona, though beautiful and picturesque in its own way, is a region of extensive deserts where drouths prevail, and fails to compare even favorably with the beauty, fertility of soil,

production of natural resources, or historical background, with that great empire in the Texas Panhandle, so that the production of said picture in the State of Arizona would tend to mislead and falsely portray the true virtues of this great Texas Empire, and would otherwise tend to darken, destroy and slander its traditions, history, and virtues; and

Whereas, The Legislature of the State of Arizona now has under consideration a resolution which proposes to protect "Arizona's integrity from envious and scurrilous slander of Gene Howe of Amarillo and of the State of Texas," and further states that "no Texan can be a competent judge of anything, being of necessity myopic, inasmuch as dust precludes his viewing any object at a distance greater than a quarter of a city block, even on a clear day and films shot at high noon in Texas, when transposed to the screen, look like midnight anyway"; and,

Whereas, The release of this picture so proposing to depict the Panhandle of Texas, will, in effect, give dignity and lend credence to the utterances of the Arizona Legislature to the irreparable damage of the Panhandle of Texas, and will have people all over the world judging the Panhandle by these false and misleading scenes of Arizona's arid desolation, as will be shown in this picture; and

Whereas, It is grossly unjust, unfair, unnatural, ungentlemanly, injudicious, and un-American for the movie industry to fake its wares where especially such fraud damages a great state like Texas; now, therefore, be it

Resolved By the Senate of the State of Texas, that we in no mistaken words protect the filming of the picture "Duel in the Sun" in the State of Arizona, some 40 or 80 miles in any distance of Tucson; that said David O. Selznick be provided with appropriate copies of this resolution, advising him of our views and action in this matter, urge him to film said picture in the Panhandle of Texas; that if the said Selznick stubbornly and wantonly proceeds to film said picture in any part of Arizona or in any other place outside of Texas, that the Legislature will take under consideration measures to forever ban the picture from all Texas movie houses, theaters, or any other place

that exhibits motion pictures; be it further

Resolved, That David O. Selznick be urged to visit the Panhandle of Texas in the very near future for the purpose of advising and acquainting himself with one of the most beautiful and picturesque sections of America, a place he has never seen, to the end that he may prevent this great injustice to the Panhandle of Texas and change the location of his film production to the end that the world may see a section of Texas it has not yet seen and to the further end that said David O. Selznick may enjoy profits from a film production he has hitherto not known.

The resolution was read.

(Senator Aikin in the Chair)

By unanimous consent the resolution was considered immediately.

The resolution was adopted.

Senate Bill 126 on Second Reading

Senator Weinert moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 126 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Chadick	Shivers
Kelley	Stone

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 126, A bill to be entitled "An Act to amend Section 2, Section 3, Subsection F of Section 7, Section 12, Section 14, Subsection G, Subsec-

tion H and Subsection L of Section 25, Section 26, Section 33, Subdivision B of Section 35, Section 42, and Section 46 of Senate Bill No. 251, Acts of 1943, 48th Legislature, p. 232, Ch. 148, so as to define "Trust" for the purpose of the Texas Trust Act, to specify the purpose for which a trust may be created and the capacities to create a trust, to correct clerical errors in the Texas Trust Act as originally enacted, to authorize corporate trustees to exercise stock rights and to retain shares so acquired, to specify the authority of trustees with respect to oil, gas and mineral properties, to govern the giving of bonds by trustees, to provide the methods of allocating principal and income and apportioning expenses between tenants and remaindermen, to provide that such methods shall apply only in cases wherein an express trust has been created, to specify the powers, duties and responsibilities of trustees in investment of trust funds; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 126 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 126 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Chadick	Shivers
Kelley	Stone

The Presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Chadick	Shivers
Kelley	Stone

Senate Bill 54 on Second Reading

Senator Vick moved that Section 5 of Article III of the State Constitution be suspended and that S. B. No. 54 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Chadick	Shivers
Kelley	Stone

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 54, A bill to be entitled "An Act prescribing the time for work, the method and manner of compensation, under certain circumstances and conditions and providing the minimum monthly wage scale for all firemen and policemen in cities

of more than forty thousand (40,000) inhabitants; providing the penalty for violation of this Act; repealing all laws and/or parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 54 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

* Absent—Excused

Chadick	Shivers
Kelley	Stone

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Parrish
Crawford	Ramsey
Graves	Spears
Hazlewood	Stanford
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

Absent—Excused

Chadick	Shivers
Kelley	Stone

Adjournment

On motion of Senator Martin, the Senate, at 12:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Communication

To the Members of the Senate of Texas:

Gratefully acknowledging
and thanking you for your kind
expression of sympathy
Mr. and Mrs. H. L. Winfield.

March 2, 1945.

THIRTY-FOURTH DAY

(Tuesday, March 6, 1945)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Moffett
Brown	Moore
Bullock	Morris
Carney	Ramsey
Crawford	Spears
Graves	Stanford
Hazlewood	Stone
Jones	Sulak
Knight	Taylor
Lane	Vick
Lanning	Weinert
Martin	Winfield
Mauritz	York
Metcalfe	

A quorum was announced present.

The Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Chadick was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senators Kelley and Shivers were granted leaves of absence for today on account of important business on motion of Senator Bullock.